



**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF HAYWARD
City Council Chambers 777 B Street
Hayward, California 94541
Tuesday, February 9, 1999, 8:00 p.m.**

MEETING

The Regular Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Hilson.

ROLL CALL

Present: COUNCIL MEMBERS Jimenez, Hilson,
Rodriquez, Ward, Dowling, Henson
MAYOR Cooper
Absent: None

PRESENTATION: Pride in Hayward Award

The Mayor presented the "Pride in Hayward Award" to three homeowners in the North Hayward neighborhood: Nadine Doll, Phyliss Green and Richard and Veronica Staples; and two in the Burbank neighborhood: David and Linda Long and Bethel Temple Assemblies of God sanctuary for its well-maintained landscaping.

PUBLIC COMMENTS

Jason Moreno, 25200 Carlos Bee Boulevard, commented on Council's special meeting held last October and stated that his notes are posted on his website.

Mayor Cooper announced that a Special Budget Work Session would be held on Saturday, February 20 in preparation of a new budget. Council will be providing direction for a two-year budget. She invited anyone interested in providing input on proposed expenditures to attend as opportunity will be provided between 10:45 and 11:30 a.m. in the City Hall Work Session Room 2A.

CONSENT

1. Approval of Minutes of the Meeting of the City Council of February 2, 1999

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to approve the Minutes of the Meeting of the City Council of February 2, 1999.

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2. Approval of Resolution Authorizing Local Matching Funds for Federal TEA-21 Projects

Staff report submitted by Deputy Director of Public Works Bauman, dated February 9, 1999, was filed.

It was moved by Council Member Hilson, seconded by Council Member Ward, and unanimously carried to adopt the following:

Resolution 99-022, "Resolution Authorizing a Grant Application to the Metropolitan Transportation Commission for Fiscal Years 1998-99 and 1999-00"

HEARINGS

3. Appeal of Planning Commission's Action to Impose a Requirement for Security Guards as a Condition of Approval of Use Permit No. 98-160-19 - Jung Lee for Hayward Music Studio (Applicant), Douglas B. Storm for Mission Properties (Owner) - Property Located at 21995 Mission Boulevard

Staff report submitted by Associate Planner Camire, for February 9, 1999, was filed.

Development Review Services Administrator Anderly made the staff presentation noting that the applicant had submitted an appeal on the condition of approvals requiring two security guards. She noted that the owner had also submitted a petition with approximately 100 signatures in favor of maintaining the music studio. She responded to Council questions relating to permit revocation. Deputy Police Chief Trimble responded to Council questions regarding police responses for 33 calls to the studio and the issue of private security guard assistance. Deputy Police Chief Trimble enumerated the various police calls and citations issued.

Mayor Cooper opened the public hearing at 8:22 p.m.

Lynn Gorelick-Levine, 24301 Southland Drive, #620, Attorney, spoke on behalf of Mr. Lee and noted that Mr. Lee has installed security cameras in his establishment. She reported that Mr. Lee has offered full cooperation with the police in the past. She described his procedures in prohibiting alcohol on the premises. She presented Mr. Lee's recommendation to have one private security guard on the premises from 10 p.m. until 3 a.m. on Friday and Saturday nights. He could not afford to have two guards on nights when business is slow. She suggested that part of the 33 calls might have been generated at the time of a major incident that occurred over one year ago.

Mr. Lee spoke on his own behalf and indicated that after six years in the business, he recognizes his customers and has requested searches be conducted on certain unwelcome customers.



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Council Member Rodriguez inquired on the petition that was submitted, and asked how Mr. Lee promotes his business.

Jason Moreno, 25200 Carlos Bee Boulevard, asked whether police overtime was involved in relation to this establishment and whether neighbors in that area were contacted on this matter.

Development Review Services Administrator Anderly described the method of notification and hearing processes and provided neighborhood responses that were submitted on this matter.

Deputy Police Chief Trimble noted that, although no overtime has been used, more than sufficient time and police staff have been required at this establishment.

Mayor Cooper closed the public hearing at 8:51 p.m.

Council Member Henson moved to uphold the Planning Commission decision and deny the appeal as staff recommended to employ two security guards in addition, he wanted the conditions to include also requiring the security cameras to remain in place, even with the addition of guards.

It was moved by Council Member Henson, seconded by Council Member Hilson, and unanimously carried by all present, to approve the following:

Resolution 99-023, "Resolution Denying Applicant's Appeal of a
Condition of Approval Requiring Security Guards in Connection
with Conditional Use Permit Application 98-160-19"

LEGISLATIVE BUSINESS

4. Vesting Tentative Map 7044 and Site Plan Review No. 98-130-10 - Passport Homes, Inc. (Applicant), Tom & Helga Barras (Owners) - Request to Subdivide Three Parcels Totaling 1.92 Acres into 12 Parcels, Request Approval of Site and Architectural Plans, and Summary Vacation of Excess Right-of-Way - Property Located at 24912, 24918 and 24924 Mohr Drive

Staff report submitted by Senior Planner McClellan, dated February 9, 1999, was filed.

Development Review Services Administrator Anderly made the staff presentation and recommendation and responded to questions.

Mayor Cooper opened the public hearing at 8:59 p.m.

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Council Member Hilson, as Chair of the City's Environmental Committee, asked the applicant if he could modify Condition 14d of the Conditions of Approval so that recycling is encouraged rather than just dumping into a landfill. The applicant was agreeable to this slight modification.

Al Reynolds, 2547 Erskine Lane, spoke on behalf of the applicant, noting that he has received favorable response to his concerns for his neighborhood. He noted that the applicant will take safety precautions in the use of trucks during construction and that this project will greatly improve the general area. He expressed the need for a stop sign at Mohr Drive and Depot Road and commented on the warrant process.

Council Member Rodriguez asked staff to respond to the traffic sign. It was noted that there will need to be some dialogue occurring between the City and the County as part of the area is within unincorporated Hayward.

Mayor Cooper closed the public hearing at 9:05 p.m.

Council Member Dowling indicated that he had voted against the motion last week because he desired to see staff work with the applicant's request to build 13 homes. He would be voting in favor of this motion for the construction of twelve homes.

It was moved by Council Member Jimenez, seconded by Council Member Ward, and unanimously carried by all present, to approve the following:

Resolution 99-024, "Resolution Approving the Vesting Tentative Map for Tract 7044 and Approving Site Plan Review Application No. 98-130-10 of Passport Home, Inc"

Resolution 99-025, "Resolution Summarily Vacating Excess Right-of-Way Along Mohr Drive and Authorizing the Sale of Excess Real Property in Connection with Vesting Tentative Tract Map 7044"

COUNCIL REPORTS

There were no Council Reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:08 p.m.



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APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward

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